

ORIGINAL

1 **CERTIFICATE OF SERVICE**

2 I certify under penalty of perjury under the laws of the
 3 United States of America that on this day I caused a
 4 copy of this document to be delivered to all counsel of
 5 record

6 *John J. Kannin*
 7 Dated December 19, 2001 at Seattle, Washington

The Honorable Thomas Zilly
 CC TO JUDGE DJ

3 FILED _____ ENTERED _____
 4 LODGED _____ RECEIVED _____

DEC 19 2001 DJ

AT SEATTLE
 CLERK U.S. DISTRICT COURT
 BY WESTERN DISTRICT OF WASHINGTON DEPUTY

8
 9 UNITED STATES DISTRICT COURT
 10 FOR THE WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

11 WILLIAM ROBERT SMITH II,

No. C00-1615 Z

12 Plaintiff,

DECLARATION OF JOHN J. KANNIN

13 v.

14 OFFICER R. GONZALES, OFFICER
 15 JOHN DOE TOWNE, Seattle Police
 16 Officers, Individually in their Personal
 17 capacity, and CHIEF OF POLICE NORM
 18 STAMPER, Individually in his Personal
 Capacity and as Chief, Supervisor and
 Policy Maker in his official capacity, and
 THE CITY OF SEATTLE, a Municipal
 Corporation, and Unknown Policy Makers,

19 Defendants.

CV 00-01615 #00000027

21
 22 JOHN J. KANNIN, states and declares as follows

23 1 I am the attorney for William Robert Smith, plaintiff in the above captioned matter
 24 and this declaration is made in support of Plaintiff's Memorandum in Response to Defendants'
 25 Motion for Summary Judgment. The following statements are based upon my personal knowledge,
 26 and I am competent to testify to the matters set forth herein in this declaration.

27

2. This personal injury and § 1983 case arises from a shooting incident occurring here in Seattle on December 5, 1998. Plaintiff William Robert Smith filed this civil action on September 22, 2000. The jury trial is set for sometime after February 20, 2002


3. Attached are true and correct copies of:

- A. Deposition testimony of Officer Rudy P. Gonzales, 8/7/01.
- B. Deposition testimony of Officer Rolfe Towne, 8/7/01.
- C. Deposition testimony of Mr Norm Stamper, 11/5/01.
- D. Deposition testimony of Mr. William R. Smith, 11/7/01.
- E. Seattle Police Department, Incident Report completed by R. Christopherson
- F. Seattle Police Department Hazard Report completed by Officer Gonzales and approved by Sgt. Towne.
- G. Seattle Police Department, Incident Report completed by R. Gonzales and approved by R. Towne.
- H. Smith's emergency room treatment notes.
- I. Debra Malcolm's Interview Notes,
- J. Dr. Irving Cohen's August 27, 2001 opinion letter.
- K. Declaration of Van Bogardus III.
- L. ARWEN 37 Data

4. Seattle Police Department Lieutenant McDonough's deposition took place on Monday December 17, 2001. The transcript is not yet available.

5. The foregoing is made under the penalty of perjury and under the laws of the State of Washington as true and correct.

Signed at Seattle, Washington this 19th day of December 2001.


John J. Kannin

**EXHIBITS
NOT
SCANNED**